

The University of Chicago

CHICAGO AND THE DOWN STATE

A STUDY OF THEIR CONFLICTS

1870—1934

A PART OF A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE
SOCIAL SCIENCES IN CANDIDACY FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF HISTORY
DECEMBER, 1940

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WILLIAM BOOTH PHILIP

CHICAGO, ILLINOIS

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This study of sectionalism differs from other studies made on the same subject inasmuch as it is the history of a sixty-four year (1870-1934) struggle which disturbed relationships between one city--Chicago--and the other sections of Illinois--hereafter referred to as the Down State. It proposes to answer the following questions considered of sufficient importance to warrant intensive inquiry: Have the people of Chicago and the Down State areas been in conflict with each other? Upon what subjects did they disagree? What reasons did they give for the lack of harmony exhibited over certain problems?

Materials available for study were government publications, periodicals, newspapers and secondary works. These considered the most valuable are journals and debates of constitutional conventions, legislative journals and debates, addresses on senatorial apportionment (1925), proceedings of the Board of Trustees of the Sanitary District of Chicago, records of Cook County Commissioners and Chicago City Council, Federal and State judicial reports and other publications and reports of government and non-government agencies. Personal interviews with individuals in both areas supplemented the information gathered from other sources.

Since 1869, constitutional convention and legislative debates, published at intervals, cover a seven year period, but legislative journals of both branches of the Illinois Legislature are complete for the period (1870-1934). These documents contain records of votes cast by the peoples' representatives. Assuming that these individuals voted in conformity with the desires of their constituents, these records are an invaluable source for the study of sectionalism. Maps included in this dissertation show the areas which voted with Chicago on important issues; these also indicate the extent of opposition to the metropolis.

Chicago and the Down State area have opposed each other

because of differences about representation, home rule for Chicago, the waterway and the Chicago District drainage canal, internal improvements, the judiciary, the wet-dry issue, and taxation. Of these, representation, home rule for Chicago and taxation remain to vex Illinois legislators.

Many of these subjects were introduced simultaneously and produced bitter conflict in the same legislative session. Activities of the year 1927 illustrate this point. Len Small was Governor of Illinois and William Hale Thompson was re-elected Mayor of Chicago for the third time. The legislative session was less than six weeks old when Hunter (Winnebago County) introduced a gasoline tax bill, and six attempts--three intended to limit Chicago--were made to deal with the apportionment problem. Later, two more gasoline measures, two income tax bills, and a bill by Kessinger (Kane County) intended to regulate the Chicago Board of Trade, were presented. Besides these, five transportation and eighty-seven finance measures designed for the alleged improvement of Chicago were given to the Senate on May 17 and passed on to committee. A complex situation made more difficult by the fact that three Chicago representatives wanted their favorite intoxicating liquor bills passed into law during the legislative session.

Chicago newspapers accused the Small-Thompson machine and the farmer members of the Legislature of being "all set to trim" Chicago. Chicago Tribune saw "eighty-one perjurers" in the Legislature. Senator Denvir (Chicago) introduced a motion that Illinois be formed into two separate states. One, named Northern Illinois consisting of eight counties: Cook, Will, DuPage; Kane, Lake, McHenry, DeKalb and Boone; another, called Southern Illinois, comprising the territory included in the other ninety-four counties. His motion died in committee. The report shows that the board of trade, income tax, representation, transportation and liquor bills had failed in the Legislature, while the gasoline tax and seventy-eight of the Chicago tax measures had received the Governor's signature. Such was the outcome of a legislative session, marked by an intertwining of measures, the majority of which were capable of producing conflict between Chicago and the greater part of the area of the State.

Choice of the year 1870 as the starting point for inten-

sive study was determined by five considerations: first, Chicago had emerged from its adolescence; second, in 1870, the people of Illinois accepted the present State Constitution with its limitations ill-designed to meet the needs of growing cities; third, minority representation, the Medill plan designed to break down state sectionalism, became part of the Constitution by popular vote; fourth, since 1874, certain non-political organizations--Citizens' Association of Chicago and others--have observed the operations of government in Illinois and have reported their findings to the public; fifth, Chicago-Down State conflicts arising before 1870--discussed in the introduction to the dissertation--in many respects duplicate the subject matter of events which follow that date.

Representation--the struggle for membership in the Legislature and control of the legislative authority--has produced more conflicts between Chicago and the Down State than any other topic under consideration. The reason seems clear. Direct representation is a vital factor in the democratic process. Chicago and Down State leaders had divergent views on the question; the former insisted that legislators follow the Constitution which provides for an apportionment every ten years on a population basis; the latter desired representation on a county plan for they argued that each such area had a distinct culture and interests which should be represented; a subtle argument designed to protect areas, which were gradually losing population, from the growing giant by the lake. The Federal census (1910) showed that while forty-nine Down State counties--twenty located in southern Illinois--lost population, that of Chicago increased by almost 600,000. About this time Down State leaders decided to ignore the constitutional provision regarding reapportionment.

Conflicts over representation--one or more in each legislative session since 1900--can best be understood by approaching the subject in the following manner: the years 1869-1880; a conflict of parties, 1880-1900; Down State tried to curb Chicago, 1900-1910; nullification and conflict, 1911-1934; conflict and compromise, 1920-1922.

During the years 1869-1880, leaders in both areas hurled accusations at each other but obeyed the Constitution. This document was framed and accepted at the beginning of the period (1869-

1870). In the Convention outstanding leaders--Joseph Medill of the Chicago Tribune, Charles Hitchcock and others--protected Chicago and carried many of their desires into the fundamental law. Chicago was important to Down State politicians (1880-1900) for both Republicans and Democrats, aided by indispensable Chicago party votes, gerrymandered the State. Twice the State Supreme Court had to decide the matter. Conflicts over location of the State Fair (1887) and Chicago District Sanitary Canal and Illinois waterway (1889) gave added life to the proceedings. One Down State legislator remarked: "Chicago people...will take the universe if they can get it."

About this time Down State leaders decided to curb Chicago, its increasing population, growing demands for legislation necessitated by the City's increasing requirements and by constitutional restrictions, and the continued criticism by Illinois newspapers, were in a measure responsible for the renewed effort. But party ends must be served. Down State Republicans again found it necessary to rely on Chicago party votes (1901) in order to carry out another gerrymander; thus Down State leaders lost their last opportunity by constitutional methods to limit the metropolis. The new apportionment gave Chicago-Cook county nineteen of fifty-one senators and fifty-seven of one hundred and fifty-three representatives; a sufficient number to block any measure--emergency type or constitutional amendment--which required a two-third vote for passage. A survey made of the operations of the act over a thirty-one year period (1903-1934) showed that, while Cook County continued to send the above number of legislators to Springfield, seventeen to thirty-three Down State counties lacked direct representation. This condition together with increasing population in the city of Chicago were given, among many reasons, by Down State representatives for their continued violation of the Illinois Constitution.

Since 1900, Down State has not only tried to limit Chicago in one or both houses of the Legislature but also for the past twenty-four years (1910-1934) has refused to apportion the State. Growth of Chicago was a factor. Population figures for 1930--Illinois 7,630,654--Chicago 3,376,438--indicated that the City was entitled to almost one-half membership of the State Legislature.

A Constitutional Convention--held (1920-1922)--reached a compromise. Chicago accepted limitation to nineteen senators--her present membership--in a House of fifty-seven, in return, the City was given limited house rule. But the people rejected the new Constitution. The conflict reached its zenith in 1925 when Cook County threatened a "tax revolt" and Chicago newspapers suggested secession. Two stalwarts, Joseph "Private" Fifer (McLean County)--Governor (1889-1893)--and Lewis A. Jarman (Schuyler County), appeared at Springfield and gave the Down State arguments against reapportionment. A "Constitutional Apportionment Legion" was organized in Chicago, and later, J. B. Fergus (Chicago) tried to compel legislative action through the courts. Both State and Federal Supreme Courts refused to interfere with the legislative functions. Meanwhile, Senator Denvir (Chicago) introduced (1927) a resolution that Illinois be formed into two states. The effort failed. The year 1933 found Chicago and Down State leaders distrusting each other. Governors Emmerson and Horner suggested that Chicago accept limitation in one House, but the problem remained unsolved. During these struggles the Chicago Tribune repeated the revolutionary slogan "Taxation without Representation is Tyranny."

Meantime, Chicago struggled for self-government. Proposals made varied with the notions of home rule held by their advocates. Three desires were most emphasized: an adequate charter worthy of a growing city; authority to control public utilities, especially local transportation; an outlet for sewage other than the one by way of Lake Michigan, the source of the City's water supply.

The period of miscellaneous charters and special legislation officially ended when the Constitution was accepted in 1870. Hereafter, laws were passed for cities as a class so that no special laws could be passed for Chicago until 1904, when the Constitution was amended for that purpose. Before that date, City leaders wanted either to consolidate local governments within the City or to extend its government so that it would include the rest of Cook County. Jones (Green County) had one answer. He would give Cook County its own legislature and supreme court because: "The interests of Chicago are, in so many instances, directly opposed to the interests of the remainder of the State..."

injustice must be done to one section in order to benefit the other." Other Down State leaders feared, that by consolidation, the State might lose revenue. Chicago newspapers were not impressed by the Jones suggestion.

Under the impulse of the Civic Federation and Citizens' Association--two Chicago non-political organizations--plans were laid for a home rule charter. Judge Tuley, sponsor for the Civic Federation, estimated that with sixteen local governments abolished, the City would save almost \$375,000 yearly. A campaign of education conducted through organizations and the press succeeded in the calling of a local convention and framing a local charter (1902). The leaders of this movement believed that the City was bound by constitutional limitations which were preventing its growth, thus creating a patchwork type of government which was "unwieldy, ineffective and extravagant". Besides, too many local matters were crowding the Legislature, which, if removed, would not only simplify the Chicago problem at Springfield, but also would "remove the growing antagonism between the country and Cook county members". A friendly General Assembly (1903) passed the amendment providing for special legislation and local self-government for Chicago subject to legislative and local approval. Voters of Illinois (1904) approved the plan.

Chicago, however, still lacks self-government. Two plans, submitted to the voters of Chicago, failed, because in each case Down State legislators attached unsatisfactory conditions. In return for a Charter (1907) the City's representatives supported the Berry-Anti-Saloon League local option bill, fifteen years later, its delegates accepted limitation in the Senate so that limited home rule for Chicago would be included in the new Constitution. The voters rejected these proposals. As already observed, two Governors--Emmerson and Horner--advocated the limitation of Chicago in one house of the Legislature as the price for home rule, but City leaders were not interested. Some have suggested separate statehood for Chicago as a way out of the home rule difficulty.

"Home rule for Chicago; relief for the strap-hanger" furnished a useful slogan for local politicians after 1913, the year when the Legislature removed local transportation from the jurisdiction of the City Council of Chicago. The plan advocated by

Governor Deneen (1911) was state wide in its scope, but it did not please Chicago. Mayor Thompson made much of the issue, but the act was upheld by the State Supreme Court. The Constitutional Convention (1920-22) permitted Chicago to acquire and operate a transportation system subject to one condition, namely, that the utility be self-supporting. The Constitution was defeated. Further plans made by Mayors Thompson and Dever in Chicago were complicated by a plan submitted by Senator Barr (Will County) called "terminable permits", which would further intrench the traction companies with the State.

City traction franchises expired (1927). Since then the problem has held the attention of Springfield, Chicago, and the courts. A more sympathetic Legislature passed eight bills providing for a "unified local transportation system, operated under a terminable permit by one corporate management and subject to control of a local home rule commission of three members". An ordinance for this purpose, submitted July 1, 1930, by the Chicago City Council was carried by the electorate. Thus on paper ended the conflict between the City and State on this question. Meantime, Chicago newspapers blared forth the following headlines: "Gossip of Cash Traction Votes Irks Assembly", "See Joker in First of Traction Bills", "Barbour Leads Chicago Fight", "Foul Play at Springfield", "Mr. Insull's Traction Legislation", "Senate Ignored City's Interests".

Governor Coles (1822) advocated a canal joining the Mississippi River and the Great Lakes. Five years later the National government granted 248,000 acres of land for the project and in 1836 a bill was passed providing for construction of the Illinois and Michigan Canal. Representatives from the lower third of Illinois objected to this local project.

Chicago's increasing population together with an enlarged stock-yard trade brought local health problems. Lake Michigan, the City's reservoir, was in danger of contamination from sewage, hence plans were made to provide another outlet for city wastes. These included the extension of the Illinois and Michigan Canal to Lockport, Illinois (1862-1870), and construction of a parallel waterway (1889-1900) later named the Chicago Drainage District Canal. Chicago provided money for both these undertakings. For the former improvement, the City had a lien on the canal, an

arrangement which brought bad feeling between Chicago and Down State delegates assembled to frame a State Constitution (1869-70), and with the cheap transportation argument finally led to the provision that "the Illinois and Michigan Canal...shall never be sold" without popular approval.

The Chicago Drainage District Canal improvement became a law because for several years Down State leaders had envisaged a waterway from Chicago to the Gulf, and were willing to pay the price set by the metropolis, namely, that the waterway provide an outlet for its sewage. The first phase of the work was completed in 1900, but even before that date the District made frequent requests to legislators for more bonding power. Down State leaders became suspicious of Chicago because the latter had failed to install swinging bridges, one of the prerequisites to a waterway. Conflicts ensued. Chicago promised to keep faith with Down State. At one point Drainage trustees sent ex-trustee Cooley, a five hundred dollar a month man, to Springfield, where he opened a "college" with its walls covered with maps and pictures representing "a huge channel hewn out of solid rock, through which pellucid water coursing, bearing majestic ships loaded with the commerce of the Northwest". Then using a little psychology, the trustees adopted a corporate seal showing a great waterway with ships sailing through the Sanitary District Canal from Chicago.

This improvement brought the City into conflict with supporters of the Illinois-Michigan Canal, residents of the Illinois valley and nearby States bordering Lake Michigan, Down State newspapers and legislators. The reasons are many: first, the ancient canal provided jobs for the party faithful, such patronage could not be given up without a struggle; second, Valley residents instigated damage suits of over five million dollars against the District, few attempts were made to settle these claims before 1925; third, nearby States complained that 600,000 cubic feet of water per minute taken from Lake Michigan was hampering lake navigation, a factor since partially remedied by United States Supreme Court action; fourth, Down State newspapers and legislators have emphasized Sanitary District scandals and have attacked its policy of selling water-power at the expense of the State.

The Wet-Dry issue has irritated Chicago and Down State leaders. As early as 1839 the latter wanted prohibition. Down

State Republicans (1855) passed a measure for that purpose; the plan failed on a referendum vote; Chicago voted in the negative. Since that time, local option, prohibition, search and seizure, regulation of the liquor industry and state control, have been the issues. Chicago leaders consistently fought the first three proposals, in this effort she was supported by twenty Down State--mostly river and border--counties. The behavior of the Anti-Saloon League complicated the struggle. In 1907, Chicago leaders, anxious for a home rule charter, supported local option in return for Down State votes.

Because Chicago lacks home rule, her taxing power is regulated from Springfield. Prior to 1925, conflicts over taxation appeared to be of a minor nature. Six reasons are advanced for this peculiar situation: first, since 1874 the Citizens' Association of Chicago and other organizations have given special attention to tax matters and have tried to protect and further Chicago's interest at Springfield; second, Down State legislators at times were friendly to Chicago; third, the tax system made it possible for local representatives to take advantage of the tax situation for personal gain; fourth, at times, Chicago failed to present a united opposition at Springfield due to lack of unity in its city government; fifth, Chicago legislators on occasion were able "to log-roll" with Down State representatives; sixth, the system made tax dodging possible in Chicago and other parts of the State.

Since 1925, Down State legislators have been looking for new sources of taxation in order to relieve the burden on land, the chief source of Down State revenue. Of the newer forms, gasoline, income, sales and occupational taxes, Chicago legislators have consistently opposed the income tax, but in order to bring relief to the City, since 1927 they have supported the other new forms. Down State leaders recently opposed a \$30,000,000 bond issue because it was reported that ninety per cent of the proceeds would be spent in Chicago.

"We voted for Governor Small because the Chicago Tribune told us not to!" This is the answer one "Egyptian" gave the writer when he inquired about the Down State attitude toward the Chicago press. Further inquiry revealed a like sentiment in other sections of the Down State area and led to the belief that this attitude must have a historical basis. After research, it was

found that even before 1870 Down State newspapers kept up a continual attack upon the press of Chicago. This attack has appeared in three forms: first, Down State newspapers attacked Chicago newspapers; second, these same organs assailed the political and governmental policies of Chicago; third, the Legislature has at times taken exception to articles written by representatives of the Chicago press. After a survey of the evidence the conclusion would be that the newspapers have been a factor in the Chicago-Down State controversy.

The reasons for these periodic disturbances are set forth in two lists: the first, consists of reasons given by Chicago and Down State leaders for the positions taken by them in these conflicts; a second, gives the writer's own interpretation of the causes which seem to lie behind these struggles. Both lists are arranged according to the principle of weight or frequency.

Since Down State representatives have been the most aggressive in dealing with these problems, their reasons are given first. Expediency--"The end sought justifies the means"--is the most subtle argument given by them for their persistent nullification of the Constitution. This is followed by three arguments: other states limit metropolitan cities--New York and others; the present system of representation is virtual, not direct; the population method of apportionment should give way to one based on electors or citizens. The statement is then made that Chicago will dominate the State which means the following: control by a unit; a city of one interest; a city with an undesirable government; a city which sends undesirable Chicago interested legislators to Springfield; a city with a population of a size, type, and attitudes which are considered undesirable; a city of crime. Then follows a most interesting argument: Chicago needs protection.

Since Chicago leaders were on the defensive, they were content to put forth four reasons in justification of their attitudes toward the Down State. First, "Chicagoans object to a discrimination giving their city less than its proportionate representation in the legislature". Said one, "In my opinion it will make a Mason-Dixon line out of the Cook county line." Second, the Down State position is one of fear. Third, limitation deprives industrial centers of representation, and gives control to areas which are decreasing in population. Fourth, Chicago pays

most of the State taxes. Leaders in both areas emphasize the idea of domination in speaking of the aims of the other party to the conflict.

The following reasons seem to better answer the question as to why these areas have difficulty in cooperating. They are given as a result of the writer's reading and questioning over a period of years: the ever-increasing size of Chicago; the parental attitude of Down State toward Chicago; fear of the growing city; desire for public office; methods employed by politicians to secure votes and win elections; desire for control when in office; a busy press; lack of adequate knowledge; conflicting theories of government. Because Chicago lacks home rule she has easily been exposed to Down State criticism: mere number of requests from the Legislature, made necessary by constitutional procedure, have often produced bad feeling throughout almost an entire legislative session; Chicago delegation failed to plan in advance for the work under consideration, thus giving Down State members a chance to say that they did not exactly know what the people of Chicago wanted; Chicago representatives often disagreed among themselves and failed to act as a unit; they have been accused of lack of interest in the State as a whole.

Other reasons have been given by Down State at different times, all of which were applied to Chicago: election frauds; failure to collect taxes and pay school teachers; the large sums of tax money needed for relief purposes, despite the fact that the City was millions of dollars behind in tax collections; the crime wave; Chicago has sent many mediocre men to the Legislature. Chicago has been poorly advertised at Springfield on important occasions by some of her most public-minded citizens, who in their zeal to reform local conditions in the big city have spoken too publicly at critical moments. To these may be added differences growing out of the cultural heritage of these areas.

In its wider aspects the conflict may be called sociological and political. Sociologically, the problem concerns the attitudes, the social heritage, and the aspirations of people; while politically, the problem involves theories of representation--population, county, and virtual--a subject which is joined with the desire for home rule and at times is augmented with the demand for a new Constitution to replace the inadequate one accepted in

1870.

The writer cautiously makes the following claims for the study: first, it adds one more paragraph to the history of sectionalism in the United States; second, it has some value for persons desirous of bringing about an accommodation between these two conflicting areas; third, it provides a partial answer to some questions asked by laymen concerning Chicago-Down State relationships. Up to now such questions have been answered by the press and by persons who seemed to possess special sources of information; fourth, it adds another chapter to closing the gaps in Illinois history.

While this thesis deals with the conflicts arising between the Chicago and Down State areas, evidence shows that conflict of an urban-rural type is gradually gaining strength in Illinois. This latter phenomenon warrants further study.

